

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WADE FELIX THORNTON,

Petitioner,

No. CIV S-03-0755 MCE DAD P

vs.

DIANA K. BUTLER, Warden,

ORDER

Respondent.

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Petitioner is a state prisoner proceeding pro se and in forma pauperis with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. By separate order, this case has been related to the habeas corpus action entitled Kevin B. Johnson v. Jim Hamlet, CIV S-04-0892 MCE DAD P. In his habeas action, petitioner Kevin B. Johnson has filed a declaration from another prisoner claiming responsibility for the crime of which the petitioner and Johnson were convicted. In light of that declaration and the complexity of the legal issues resulting therefrom, the court has determined that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

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Accordingly, IT IS HEREBY ORDERED that:

1. A member of the Federal Defender panel is appointed to represent petitioner.

2. The Clerk of the Court is directed to serve a copy of the petition and this order on David Porter, Assistant Federal Defender.

3. Petitioner's counsel shall contact the Clerk's Office to make arrangements to obtain copies of documents in the file.

4. A status conference is set for April 13, 2007, at 10:00 a.m. in Courtroom #27.

5. All parties shall appear at the status conference by counsel.

6. Fourteen days prior to the conference, the parties shall file and serve status reports which address the timing and order of the following matters:

a. Discovery and investigations;

b. Anticipated motions;

c. The need for and timing of an evidentiary hearing;

d. Enumeration and resolution of unexhausted claims; and

e. Possible future amendments to the pleadings.

The parties are advised that failure to timely file a status report may result in sanctions.

DATED: March 9, 2007.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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